

Interim Decision #1932

MATTER OF RAJAGOPALAMENON

In Visa Petition Proceedings

A-14972519

Decided by District Director October 22, 1968

Since a Master's degree in anthropology or its equivalent is the minimum requirement for professional classification as an anthropologist within the meaning of section 101(a) (32) of the Immigration and Nationality Act, as amended, beneficiary, whose educational attainment is not the equivalent of such a degree, does not qualify as a member of the professions in the field of anthropology and he is ineligible for preference classification under section 203(a) (3) of the Act, as amended, as an anthropologist.

The petition seeks to classify the beneficiary as a preference immigrant under section 203(a) (3) of the Immigration and Nationality Act, as amended, based upon his qualifications as an anthropologist.

Section 203(a) (3) of the Act provides for the availability of visas to qualified immigrants who are members of the professions or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.

Section 101(a) (32) of the Act defines the term "professions" as including but not being limited to architects, engineers, lawyers, physicians, surgeons and teachers in elementary or secondary schools, colleges, academies or seminaries.

Although the occupation of anthropologist is not listed within the definition provided by section 101(a) (32), it should be noted that it does bear a characteristic common to those occupations. This characteristic is that each of the occupations normally requires completion of a specified course of study on the college or university level, culminating in the attainment of a specific type of degree or diploma which is usually the minimum requirement for entry into that field. (*Matter of Asuncion* 11 I. & N. Dec. 660).

The beneficiary has submitted documents showing graduation

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from the faculty of science, University of Kerala, Trivandrun, India March 1959 and indicates the award of a Bachelor of Science degree and a diploma from the University of Saugar, India showing the awarding of a Master of Science degree in anthropology, November 30, 1962. He additionally has submitted indications of further studies at the University of Madras, Madras, India in the field of anthropology, such courses leading towards a Ph.D. degree although no such degree was awarded. He was in attendance at the Ohio State University, Columbus, Ohio from 1966 to 1967 pursuing courses of study leading to a Master's degree in anthropology and again no degree was awarded.

The documents pertaining to his education were submitted to the comparative research branch, Division of Higher Education Research, Bureau of Research, Office of Education, Department of Health, Education and Welfare, for their advisory interpretation of the level and major field of educational attainment of the beneficiary in terms of education in the United States. That office has advised that in such terms his education is the equivalency of a Bachelor's degree in anthropology.

The *Occupational Outlook Handbook*, 1966-67 edition, a United States Department of Labor official publication lists anthropologists in the general category of the social sciences and have assigned a code number 055.088 to the profession of anthropology. Such publication states in part "young people who are interested in careers in anthropology should obtain Ph.D. degrees. College graduates with Bachelor's degrees can obtain temporary positions and assistantships in the graduate department where they are working for advanced degrees. A Master's degree, plus field experience, is sufficient for many beginning professional positions, but promotions to top positions is generally reserved for individuals with the Ph.D. degree. In many colleges and most universities, only anthropologists holding the Ph.D. degree can obtain a permanent teaching appointment." The *Dictionary of Occupational Titles*, 1965, Volume 2, Occupational Classification, 3rd Edition, also places anthropologists in the general category with social science, psychological, and related research. These professions are under the general numerical classification .088. This publication also an official United States Department of Labor publication states in part, "generally, a Master's degree is the minimum requirement for professional employment in psychology or in any of the social sciences in this group. Those social scientists with this degree qualify for college instructorships in some schools and many nonteaching positions in government and

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industry. In some social sciences, such as anthropology, training in the field is a requirement for the Master's degree. In most schools a Ph.D. is the usual requirement for a faculty position and for the more responsible administrative and research positions. For the most part a Bachelor's degree is not adequate preparation for entrance into professional employment in any of the social sciences or in psychology."

It is concluded, then, that a person who possesses the equivalent of a United States Master's degree major in anthropology, is a member of the professions. In the instant case, the beneficiary does not possess the equivalent of such a degree. Consequently, he is not eligible for classification under section 203(a)(3) as a member of the professions based on his claimed profession of anthropologist.

ORDER: It is ordered that the petition to classify the status of Medayil Kesavapillai Rajagopala Menon as a preference immigrant under section 203(a)(3) of the Immigration and Nationality Act, as amended, be and the same is hereby denied.